



UNIVERSITY OF
TORONTO
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UNIVERSITY OF TORONTO

PRIVATE INTERNATIONAL LAW

2007 CASES, LEGISLATION AND RELATED MATERIALS

VOLUME 1

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PRIVATE INTERNATIONAL LAW --2007

Introduction

In private international law ("PRIL") or "conflict of laws", we examine the law applicable when one or more "foreign" facts has to be considered by courts.

International jural relationships arising from travel, internet communications and trans-boundary sales of goods and services lead to disputes involving five core problems:

- Which court / legal authority has the power to decide the dispute?
- Can "foreign" courts be prevented from getting involved?
- What law will likely be applied? How will "foreign" law be received?
- When will our courts recognise and enforce legislative and judicial determinations, legal or factual, made outside Canada?
- What role does public international law ("PIL") and constitutional law play in PRIL determinations?

We analyse the following topics in detail: (i) personal and subject-matter jurisdiction; (ii) forum shopping and *forum non conveniens*; (iii) the extraterritorial reach of worldwide *Mareva* injunctions, letters of request and anti-suit injunctions; (iv) choice of law applicable to contract, tort, statutory and equitable claims; and (v) recognition and enforcement of foreign judgments.

In addition to recent Canadian case law and statutes, we consider leading PRIL decisions made by courts in Australia, the United States of America and the United Kingdom of Great Britain and Northern Ireland. At the confluence of constitutional and public international law, this course focuses on recent trends in the cases and seeks to draw an analytical framework therefrom. While this is a course on PRIL principles under Ontario law, we also consider the interplay between PIL and PRIL principles.

Students will reflect upon whether territoriality continues to play an important role in jurisdiction and choice of law questions. To what degree are class proceedings and the internet changing the way courts address multi-jurisdictional litigation? Our focus is on law -- cases, statutes and treaties -- and the analysis and resolution of practical present problems.

The leading cases, legislation and materials are set out in these two volumes, which are current to January 1, 2007. In September 2007, I will distribute without charge the 2007 Supplement to these materials. This is a dynamic area of the law. Our goal is to consider the issues most relevant today, and those most likely to arise in the near future.

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